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10/509,832

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EXAMINER

SINGH, PREM C

ART UNIT

PAPER NUMBER

1764

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DELIVERY MODE

07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/509,832 | Applicant(s) BURNETT ET AL. | |
| | Examiner Prem C. Singh | Art Unit 1764 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. New title and amendment to claims 16,18-21, 24, and 26 is noted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff, Jr. et al (US Patent 6,048,451).

6. With respect to claim 15, Huff discloses a process for producing a product of reduced sulfur, nitrogen, and alkylating agents content.

Huff discloses, "The basic nitrogen-containing impurities can be removed from the feedstock by using a guard bed which is positioned in front of the acid catalyst. Examples of effective guard beds include A-zeolite, Y-zeolite, L-zeolite, mordenite, and acidic polymeric resins." (Column 10, lines 54-59). "Preferred feed stocks include liquids which boil below 345°C, such as light naphtha, heavy naphtha, distillate and light cycle oil. The entire output of volatile products from a catalytic cracking process can be utilized as a feedstock." (Column 8, lines 65-67; column 9, lines 1-4). "Many of the typical nitrogen-containing impurities are organic bases." (Column 10, lines 48-49). "The feedstock contains an amount of alkylating agent." (Column 4, lines 41-42). "One guard bed can be regenerated while the other is being used to pretreat the feedstock." (Column 10, lines 61-62).

Huff also discloses generating a secondary feedstock by removing basic nitrogen-containing impurities from the cracking products (see claim 17, column 22, lines 27-29).

Huff does not specifically mention about reduced alkylating agent and nitrogen species of higher boiling point, but the invention does mention about conversion of sulfur-containing impurities to higher boiling products involving the alkylation of these impurities with alkylating agent (see column 7, lines 42-47). Since both nitrogen and sulfur impurities are being removed using acidic polymeric resin (see column 9, lines 60-61 and column 10, lines 58-59) under similar operating conditions, it would have been obvious to one skilled in the art at the time the invention was made to modify Huff invention and remove nitrogen, sulfur, and alkylating agents from cracked products.

7. Claim 16 has all the limitations of claim 15 and additionally, requires a step of removing nitrogen compounds from the hydrocarbon liquid. Huff discloses a similar step in claim 17 (see column 22, lines 27-29).

8. With respect to claim 17, Huff does not specifically mention using fractionation to remove nitrogen impurities. But the invention does disclose using fractionation to remove sulfur impurities (see claim 17, column 22, lines 36-40). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify Huff invention and remove nitrogen compounds also by fractionation because any suitable separation technique will be equally effective.

9. Claim 18 has all the limitations of claims 15-17, and additionally requires removal of sulfur impurities.

Huff invention discloses removal of sulfur impurities from catalytically cracked vapor streams like naphtha, using an acidic catalyst (see column 5, lines 5-25).

10. Claim 19 has all the limitations of claims 16 and 18, and additionally requires using two reaction zones.

Huff invention uses acidic polymeric resin in two zones: first to remove nitrogen, and the second to remove sulfur (see column 9, lines 58-65; column 10, lines 54-59).

11. With respect to claim 20, Huff discloses the feed such as light naphtha, heavy naphtha, distillate and light cycle oil (see column 8, lines 65-67; column 9, line 1). Huff further adds, "Liquids of this type with a boiling range of 10°C to 345°C are distillate hydrocarbons like light naphtha, heavy naphtha, kerosene, and light cycle oil." (Column 4, lines 13-17).

12. With respect to claim 21, although Huff does not specifically mention about nitrogen species, the invention does disclose, "Many of the typical nitrogen-containing impurities are organic bases." (Column 10, lines 48-49). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify Huff invention and remove all the typical impurities of nitrogen compounds, including the claimed species.

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13. With respect to claim 22, although Huff does not specifically mention about the total nitrogen content, the invention does disclose, "The feed stocks will occasionally contain nitrogen-containing organic compounds as impurities in addition to the sulfur containing impurities." (Column 10, lines 45-48). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify Huff invention and specify nitrogen content of the feed to calculate the amount of acidic resin needed for its proper removal from hydrocarbon feed.

14. With respect to claim 23, although Huff does not specifically mention about the boiling point of nitrogen species, the invention does disclose the presence of nitrogen impurities. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify Huff invention and specify the boiling point of nitrogen species for their proper removal in the distillation process.

15. With respect to claims 24 and 26, Huff discloses, "The sulfur-containing impurities include mercaptans, thiophene, thiophene derivatives, benzothiophene, benzothiophene derivatives." (Column 9, lines 24-30).

16. With respect to claims 25 and 27, Huff discloses total sulfur content of naphtha feed to be 730 ppm (see column 16, lines 34-36).

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17. With respect to claim 28, Huff discloses, "Solid acidic catalysts are particularly desirable." (Column 9, lines 43-44).

18. With respect to claims 29-31, although Huff does not specifically mention about temperature and pressure in different zones, the invention does disclose using the catalyst beds at a temperature of 50 to 450°C and pressure of 0.01 to 200 atmospheres (1 atm = 1.013 bar) (see column 11, lines 10-12; lines 50-53). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify Huff invention and specify the temperature and pressure conditions in the two zones separately.

Response to Arguments

19. Applicant's arguments filed 04/12/2007 have been fully considered but they are not persuasive.

20. The Applicant argues that Huff disclosure does not suggest the process as claimed in claim 15, since the Huff process does not relate to contacting a "liquid hydrocarbon stream comprising...an organic nitrogen species" with an acidic catalyst, as presently claimed. Huff instead discloses that organic nitrogen compounds that may also be present in the hydrocarbon mixture can cause catalyst deactivation and, hence, are removed before contact with the acidic catalyst in order to prevent damage to the

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catalyst (see, column 10 lines 54-67). This is stated to be achieved by conventional means, such as by using an acid wash or a guard bed positioned in front of the acid catalyst. In the present process, the liquid hydrocarbon stream to be contacted with the acidic catalyst comprises "organic nitrogen species". In contrast, in Huff, organic nitrogen is removed via the acid wash/guard bed treatment before contact with the acidic catalyst.

The Applicant's argument is not persuasive because Huff uses acidic polymeric resin catalyst in the guard bed (See column 10, lines 54-59) and also in the process to contact hydrocarbon feed as claimed by the Applicant (See column 9, lines 58-65). Thus, one skilled in the art will use the same acidic polymeric resin catalyst in a single bed to treat hydrocarbon feed and produce a product as claimed.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prem C. Singh whose telephone number is 571-272-6381. The examiner can normally be reached on MF 7:00 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS /061907


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